THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3611 of 2007

Dated:26.02.2007

Between:

Irfan Ghani Siddiqui and another.

…Petitioners

and

The State of A.P., and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3611 of 2007

ORDER:

The two petitioners are aggrieved by the communication from the second respondent addressed to the third respondent whereunder while informing that there is no provision for regularisation of large extent of Government land under encroachment, the former directed the fourth respondent to take possession of the land in Survey No.510/1 admeasuring Acs.6.00 situated at Kanakamamidi Village of Moinabad Mandal in Ranga Reddy District. The petitioners claim to have purchased the land admeasuring Acs.2.05 guntas and Acs.3.07 guntas in Survey No.510/1 under two registered sale deeds from M/s.J.Lakshmaiah and others on 26.02.2005. Necessary action was initiated by the fourth respondent under the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), and notice/order under Section 6 thereof was passed. Assailing the same, the petitioners preferred a Writ Petition, being W.P.No.20072 of 2005, before this Court. Having regard to the effective alternative remedy under Section 10 of the Act, this Court disposed of the Writ Petition on 15.09.2005 giving liberty to the petitioners to prefer an appeal before the third respondent herein. They accordingly preferred an appeal before the third respondent unsuccessfully. As their appeal was dismissed by the third respondent on 28.02.2006, feeling aggrieved by the same, the

petitioners preferred a revision/review petition under Section 12-A of the Act before the first respondent along with an application for stay of the proceedings of the Revenue Divisional Officer and the Mandal Revenue Officer, and the same is pending. Be it noted, while the revision/review petition is pending, the petitioners made a representation on 02.03.2006 to the respondents to regularise their occupation, in response to which, the impugned order dated 16.01.2007 was communicated by the second respondent to the third respondent.

Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment).

The fact of pendency of the revision petition filed by the petitioners against the orders of the Revenue Divisional Officer dated 28.02.2006 is not denied. Even according to the learned Assistant Government Pleader, no orders are passed as yet by the first respondent on the stay application.

Therefore, in case the review is allowed by the first respondent, there would not be any necessity for the fourth respondent to take possession as directed by the third respondent. Whether the petitioners have a right to seek regularisation of encroachment or not is a question, which can await further probe at later point of time. For the present, it would be in the interest of justice to direct the first respondent to dispose of the stay application filed by the petitioners forthwith, immediately, after receipt of a copy of this order. The petitioners are given liberty to approach the first respondent with a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

26.02.2007

Note: Issue C.C by tomorrow.

B/o.

vs